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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ex rel.
MARY HENDOW and JULIE ALBERTSON,

Plaintiff,

v.

UNIVERSITY OF PHOENIX,

Defendant.

CASE NO. CIV. S-03-0457 GEB DAD

**DEFENDANT UNIVERSITY OF PHOENIX'S
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ITS OPPOSITION TO
LEELAND WHITE'S MOTION TO
INTERVENE AS OF RIGHT**

[Opposition filed concurrently herewith]

Judge: The Honorable Garland E. Burrell
Place: Courtroom 10
Date: November 5, 2007
Time: 9:00 a.m.

Pursuant to Federal Rule of Evidence 201, defendant University of Phoenix ("UOP") hereby requests that the Court take judicial notice of the following pleadings and court documents in support of its concurrently filed Opposition to Leeland White's Motion to Intervene as of Right. There is no dispute that the Court may take judicial notice of these documents. *See, e.g., Reyn's Pasta Bella,*

1 *LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (court “may take judicial notice of court
2 filings and other matters of public record”). The documents consist of the following:

- 3 • **Exhibit A** – Exhibit A is a true and correct copy of the “Original Proceeding Complaint” filed
4 by Mr. White in the United States District Court for the Western District of Texas on July 18,
5 2002 in the case of *White v. The Apollo Group*, Case No. 3:02-cv-00237-DB.
- 6 • **Exhibit B** – Exhibit B is a true and correct copy of the “Amended Complaint To Original
7 Proceeding Complaint” filed by Mr. White on July 24, 2002 in the same case.
- 8 • **Exhibit C** – Exhibit C is a true and correct copy of the “Amended Complaint To Original
9 Proceeding Complaint” filed by Mr. White on July 26, 2002 in the same case.
- 10 • **Exhibit D** – Exhibit D is a true and correct copy of the first few pages of the “Restatement of
11 Complaint Pursuant to Order” filed by Mr. White in October 2002 in the same case. UOP will
12 provide the full document upon request of the Court.
- 13 • **Exhibit E** – Exhibit E is a true and correct copy of the January 30, 2003 “Memorandum Opinion
14 and Order” in the same case.
- 15 • **Exhibit F** – Exhibit F is a copy of the docket sheet, obtained from PACER, for the same case.
- 16 • **Exhibit G** – Exhibit G is a true and correct copy of the October 17, 2002 “Order” issued in the
17 same case.
- 18 • **Exhibit H** – Exhibit H is a true and correct copy of the May 28, 2004 “Order” issued in the same
19 case.
- 20 • **Exhibit I** – Exhibit I is a true and correct copy of the June 16, 2004 “Memorandum Opinion and
21 Order” issued in the same case.
- 22 • **Exhibit J** – Exhibit J is a true and correct copy of the June 21, 2004 “Order” issued in the same
23 case.
- 24 • **Exhibit K** – Exhibit K is a true and correct copy of the first few pages of the over 200 pages that
25 Mr. White filed as part of his Complaint, on January 7, 2005, in the case of *United States ex rel.*
26 *White v. Apollo Group*, Case No. 3:04-cv-00452-DB, in the United States District Court for the
27 Western District of Texas. UOP will provide the full document upon request of the Court.

- 1 • **Exhibit L** – Exhibit L is a true and correct copy of the January 6, 2006 “Memorandum Opinion
2 and Order” issued in the same case.
- 3 • **Exhibit M** – Exhibit M is a copy of the docket sheet, obtained from PACER, for the same case.
- 4 • **Exhibit N** – Exhibit N is a true and correct copy of the April 17, 2006 “Memorandum Opinion
5 and Order” issued in the same case.
- 6 • **Exhibit O** – Exhibit O is a true and correct copy of the December 6, 2006 “Order” issued in the
7 same case.
- 8 • **Exhibit P** – Exhibit P is a true and correct copy of the January 24, 2007 “Order” issued in the
9 same case.

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11 DATED: October 19, 2007

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